



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/509,608

11/12/2004

Leif Nilsson

SZAC.P0101US

7839

58342

7590

03/04/2009

WARREN A. SKLAR (SOER)

RENNER, OTTO, BOISSELLE & SKLAR, LLP

1621 EUCLID AVENUE

19TH FLOOR

CLEVELAND, OH 44115

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

The following office action is in response to the amendment filed on December 3, 2008. Claims 1-16, and 20 are pending. Claims 3 and 20 are currently amended.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al (US 6,621,483), in view of Applicant's Admitted Prior Art (AAPA) and further, in view of Bower (US PG-Pub 2002/0072915).

With reference to claim 20, Wallace et al. teaches an electronic device (1) for navigating (see column 2, lines 46-65) comprising a movable member (1) for navigating is controlled by applying a finger (6) of a user to the member (1); characterized in that navigating by removing the finger from the member (1) and re-applying it to the movable physical member within a set time limit (see abstract; column 5, lines 6-33); where the movable member includes a sensor, where the sensor being electrically connected to a timer configured to count when the finger is removed and stop counting when the finger is re-applied (item 9, col. 4, line 60-col. 5, line 47).

Wallace fails to teach a hierarchically organized menu system in the electronic device.

Applicant's admitted prior art (hereinafter AAPA) on page 1, lines 22-25 of the specification teach where it is well known in the art for hierarchically structured menu system is commonly known in electronic devices, such as computers, mobile telephones, PDAs (Personal Digital

Art Unit: 2629

Assistant), etc, further, on page 1, lines 35-page 2, line 10, AAPA teaches where a joystick is employed in the method of navigating in a hierarchically organized menu system. It would have been obvious to one of ordinary skill in the art to include the hierarchically organized menu system in the electronic device of Wallace et al as the electronic device of Wallace et al is a computer (col. 1, lines 47-48) and where it is common to employ the menu system in a computer based electronic devices (AAPA, page 1, lines 22-25).

While Wallace as modified by AAPA teaches removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit (Wallace, col. 5, lines 6-35); Wallace as modified by AAPA fails to teach *navigating in a backwards direction* by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit. Bower teaches on page 4, paragraph 0043, using an input device, whereby solely removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit (shown by the double click) navigates backwards (move back to the previous hyperlink or to other logical steps on the page). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of navigating backwards as taught by Bower into Wallace as modified by AAPA as the backwards navigation enable users to return to previous links (Bower, page 4, paragraph 0043).

***Allowable Subject Matter***

3. Claims 1-16 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Art Unit: 2629

With respect to claim 1, the prior art of record do not teach a method of navigating in a hierarchically organized menu system of an electronic device comprising; applying a finger of a user to a movable physical member; and navigating in a backwards direction in the hierarchically organized menu system by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger.

With respect to claim 3, the prior art of record do not teach an electronic device comprising; a movable physical member including a sensor, said sensor being electrically connected to a timer configured to start counting when the finger is removed from the user surface of the movable physical member and to stop counting when the finger is re-applied to the user surface of the movable physical member, wherein said electronic device is configured to performed a step backwards in a hierarchy of commands in the hierarchically organized menu system of the timer counting is below a set limit following said sensing means detecting that a finger is re-applied to the user surface without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

With respect to dependent claims 2, 4-16, these claims are allowed as they depend upon an allowed base claim.

***Response to Arguments***

5. Applicant's arguments filed December 3, 2008 have been fully considered but they are not persuasive.

With respect to applicant's arguments in regards to claims 1-16, these arguments are persuasive, thus claims are allowable over the prior art. Applicant is directed to the reasons for allowance, above.

With respect to applicant's arguments of where the prior art does not teach carrying out navigation in a backwards direction in a hierarchy of commands by "soley" removing a finger from and reapplying said finger to a user surface of a movable physical member within a set time limit, examiner respectfully disagrees. Wallace et al teaches in col. 5, lines 6-35, where removing the finger from the surface starts counting and counting is stopped when the finger is reapplied. However, Wallace does not teach a hierarchic menu. This feature is taught by AAPA on page 1, lines 22-25 of the specification teach where it is well known in the art for hierarchically structured menu system is commonly known in electronic devices, such as computers, mobile telephones, PDAs (Personal Digital Assistant), etc, further, on page 1, lines 35-page 2, line 10, AAPA teaches where a joystick is employed in the method of navigating in a hierarchically organized menu system. The combination of Wallace and AAPA do not teach navigating backwards, however, the prior art of Bower et al teach on page 4, paragraph 0043, using an input device, whereby soley removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit (shown by the double click) navigates backwards (move back to the previous hyperlink or to other logical steps on the page). Further, the limitations of removing the finger and reapplying the finger, are

Art Unit: 2629

broadly interpreted to teach a “double-clicking” feature. A double clicking feature is defined as applying the finger, removing the finger and re-applying the finger. This is taught by Wallace and Bower as shown above. Therefore, the rejection of Claim 20 is maintained and made FINAL.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Srilakshmi K Kumar/  
Examiner  
Art Unit 2629

SKK  
March 1, 2009